

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION  
NO. 05-11443-GAO

ETHAN THOMAS  
Plaintiff,

VS.

NEW ENGLAND FAST FERRY OF  
MASSACHUSETTS, LLC, NEW  
ENGLAND FAST FERRY COMPANY, LLC,  
and INTERLAKE LEASING IV, INC.,  
Defendants.

JOINT MOTION TO EXTEND THE SCHEDULING ORDER

Now come the parties, in the above-captioned action, by and through their undersigned counsel, and respectfully move this Honorable Court to extend the deadlines contained in the Scheduling Order for a period of two (2) months. As grounds in support of this motion, the parties submit the following for the Court's consideration.

1. The plaintiff, Ethan Thomas, in this action has asserted claims of negligence under the General Maritime Law for alleged injuries he sustained while he was working at a ferry terminal in Vineyard Haven, Massachusetts on December 27, 2004.
2. The Complaint was filed with this Court on July 6, 2005.

3. This Honorable Court's Scheduling Order requires the parties to complete factual discovery by June 30, 2006.
4. The parties seek a two [2] month extension of the factual discovery deadline to August 31, 2006 because the defendants' counsel recently received documentation requested from third parties via authorizations signed by the plaintiff, which caused unanticipated delays in scheduling the plaintiff's deposition and medical examination.
5. Scheduling of the plaintiff's deposition and medical examination was delayed until the plaintiff's primary care physician and the Internal Revenue Service produced the requested documentation.
6. Defense counsel received the requested documentation from the plaintiff's primary care physician on June 1, 2006 and from the Internal Revenue Service on June 13, 2006.
7. The parties are presently scheduling the plaintiff's deposition and medical examination.
8. Extending the discovery schedule by two [2] months should not unjustly delay this matter or prejudice either party.

**WHEREFORE**, the parties pray that this Honorable Court further extend the deadlines contained in the Scheduling Order for a period of two (2) months because the parties require additional time to complete factual discovery. The parties submit that an amended Scheduling Order should reflect the following dates:

1. All factual depositions to be completed by August 31, 2006.
2. Plaintiff's designation of experts and disclosure of expert information and reports pursuant to the Federal Rules of Civil Procedure served on or before September 29, 2006.
3. Defendant's designation of experts and disclosure of expert information and reports pursuant to the Federal Rules of Civil Procedure served on or before October 27, 2006.
4. All expert depositions to be completed by November 30, 2005.
5. Dispositive Motions to be filed by December 29, 2006 with Oppositions filed within twenty-one (21) days as set forth in the Local Rules of this Court.
6. Final Pretrial Conference to be scheduled after December 29, 2006.

Respectfully Submitted,

**PLAINTIFF**

**LATTI & ANDERSON, LLP**

**"/s/David J. Berg"**

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**DEFENDANT**

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